

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:23-CV-00533-FDW-DCK**

CONTEGO SPA DESIGNS, INC.,

Plaintiff,

v.

**CHRISTY LE and CHRISTY LE JL
CORPORATION d/b/a Us Nails, a North
Carolina Corporation,**

Defendants.

ORDER

THIS MATTER is before the Court on the Joint Motion to Adopt Claim Construction Order and Amend Scheduling Order, (Doc. No. 34). Having reviewed the parties' Motion, including Exhibit A attached thereto, (Doc. No. 78, Case No. 23-1173 pending in the Southern District of Texas, hereafter "S.D. Tx. Doc. No. 78"), the Court hereby adopts the claim constructions and reasoning set forth in S.D. Tx. Doc. No. 78 for this action.

IT IS THEREFORE ORDERED that:

1. "Basin" is construed as "a container for holding liquid";
2. "Communicated with" is construed as "connected through a configuration that allows liquid to flow from a main basin into a secondary basin without spilling";
3. "Secondary basin" is construed as a "container, other than the main basin, that receives and holds liquid from the main basin";
4. "At a lowered height relative to a prescribed height of the peripheral rim" is construed as "[a portion of the peripheral rim of the main basin is] at a lowered height relative to the height set for the remainder of the peripheral rim"; and

5. “Said at least a portion of the rim is lowered relative to a main portion of the peripheral rim” is construed as “a portion of the peripheral rim is lowered relative to the majority of the peripheral rim.”

IT IS FURTHER ORDERED that all claim construction dates set forth in this Court’s “Utility Patent Claim Construction Scheduling Order” (“Scheduling Order”), (Doc. No. 32), are hereby vacated, namely:

1. May 17, 2024 – File Joint Claim Construction Statement;
2. June 16, 2024 – Close of Claim Construction Discovery;
3. June 30, 2024 – File Opening Claim Construction Brief;
4. July 14, 2024 – File Responsive Claim Construction Brief;
5. July 21, 2024 – File Reply Claim Construction Brief;
6. July 28, 2024 – File Surreply Claim Construction Brief;
7. August 4, 2024 – File Claim Construction Chart; and
8. August 11, 2024 – Claim Construction Hearing.


IT IS FURTHER ORDERED that this Order is intended to supplement, not supplant, the Court’s previously entered Initial Scheduling Order and Utility Patent Claim Construction Order, (Doc. No. 32). In accordance with the Local Civil Rules of the Western District of North Carolina, the Local Patent Rules, and pursuant to Rule 16 of the Federal Rules of Civil Procedure, the undersigned enters the following Utility Patent Pretrial Order and Case Management Plan:

DEADLINES AT A GLANCE

Amended Infringement Contentions Served	September 10, 2024
Amended Invalidity Contentions Served	October 10, 2024
Advice of Counsel Defense Served	December 9, 2024
Fact Discovery Closes	February 7, 2025
Opening Expert Reports Served	March 24, 2025
Rebuttal Expert Reports Served	April 23, 2025
Close of Expert Discovery	May 8, 2025
Mediation Deadline	May 23, 2025
Dispositive and <u>Daubert</u> Motions Deadline	June 27, 2025
Trial Setting	Term beginning November 3, 2025

IT IS SO ORDERED.

Signed: June 3, 2024


Frank D. Whitney
United States District Judge

